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## **China NPC Solicits Opinions on 5<sup>th</sup> Revision of Trademark Law**

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The Standing Committee of the China National People's Congress (NPC) released the draft 5<sup>th</sup> Revision of the Trademark Law on December 27, 2025 to solicit public opinions for 45 days as of February 9, 2026. We summarize some of the highlights with our brief comments for your easy information.

1. Motion marks have been listed as one of the trademark elements or types under Article 14 in principle.
2. Article 18 provides two types of bad-faith filing, namely applications without intention to use, obviously more than normal production or business need, or applications filed fraudulently or unfairly. Such clear provisions can help to curb trademark hoarding and large-scale plagiarism.
3. Under Article 35, the opposition period will be shortened from three months to only two months, which will probably speed up trademark registration.
4. Under Article 40, suspension of oppositions, appeals and invalidations shall generally be granted if the cases depend on the results of other pending cases of the Courts or administrative authorities. Nevertheless, the principle of changed circumstances will no longer apply in administrative lawsuits, namely when reviewing the China National IP Administration (CNIPA)'s decisions, the Court shall base its judgment on the factual status at the time the decisions was made. This will actually save the relevant parties' and the authorities' resources and hopefully help them to make more reasonable decisions during the CNIPA proceedings.
5. Under Article 48, where a trademark registrant voluntarily surrenders his trademark, the trademark will remain a citation for one more year as from the Gazette publication of the removal. This is designed to prevent others from taking advantage of the goodwill. Compared with the current Trademark Law, the one-year prohibition period will no longer apply to trademarks removed because of non-use cancellation, invalidation, or failure to

renew.

6. Under Article 53, in the event of any of the following malicious trademark applications, if adverse effects are caused, the enforcing authorities may punish a bad-faith filer through warning or a fine of CNY100,000 in maximum. This will certainly deter the bad-faith filers, making bad-faith filing more risky and less profitable.
  - 1) Knowingly violating prohibited provisions;
  - 2) Filing applications that exceed normal production and business needs or involve fraudulent or other unfair means; or
  - 3) Willfully infringing well-known trademarks, pirating principal's trademarks, filing trademarks infringing upon the existing prior legitimate rights and interests of others, or squatting on prior-used influential trademarks.
7. Under Article 56.1, a fine of CNY50,000 in maximum may be imposed on unilateral change of trademarks, registrants' names, addresses or other matters during the course of using registered trademarks or uses confusing the public, in addition to the possible order to rectify the situation or cancellation of the trademarks. For the forgoing improperly used trademarks or trademarks that have not been used for three consecutive years, or that have become generic names, the authority may cancel the registrations ex officio based on Article 56 as well. As such, the registrants have to be more careful in using registered trademarks to avoid the risks.
8. Under Article 70.3, indicative use of trademarks will be allowed and the registrants shall not prohibit such fair use, unless confusion is likely to arise.
9. Under Article 78, the Courts are authorized to punish the parties that filed trademark lawsuits in bad faith and grant damage. At present, in some precedents the Courts have already begun to punish the bad-faith parties that squatted other's brands and filed lawsuits against the legitimate owners. The Revision will turn the current practice into statutory provision.

Regretfully, the deadline to appeal to the CNIPA against the Trademark Office's decisions remain 15 days without extension. Before China joined the World Trade Organization, the deadline was the same, but one paid extension was available. There are other unsatisfactory provisions. Nevertheless, we still have time to impose influence and welcome you to join us to comment on the revision in due course. If you have any questions, feel free to let us know.